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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,139	07/11/2003	Takafumi Suzuki	040894-5941	1415
9629	7590	08/02/2007		
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			EXAMINER PILKINGTON, JAMES	
			ART UNIT	PAPER NUMBER
			3682	
			MAIL DATE	DELIVERY MODE
			08/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/617,139

Applicant(s)

SUZUKI, TAKAFUMI

Examiner

James Pilkington

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on 7/11/07 for a Continued Examination (RCE) is accepted and a RCE has been established. An action on the RCE follows.

### ***Election/Restrictions***

2. Newly submitted claims 6-10 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 6-10 are drawn to a method of manufacturing which is independent and distinct from the apparatus claims 1-5 since the apparatus can be made from a different method.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-5 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

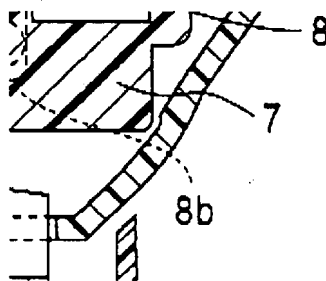
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi, USP 6,194,676, in view of Kontani, USP 6,33,475.

Re clm 1, Takahashi discloses a lever apparatus comprising:

- A lever (3);
- A cover part (attached to 3) disposed on a base end portion of the lever (3), which includes a spherical-shaped outer surface and a thickness-reducing recessed portion formed on an inner surface side thereof (see Figure below);
- A mounting part (7) fixedly projecting from the inner surface of the cover part;
- A pair of fitting recessed portions (7a) formed in opposed side portions of the mounting part (7) outside of the cover part (attached to 3)
- A pair of shaft portions (8b)
- a lever support structure (8) including the pair of shaft portions (8b) with which the pair of fitting recessed portions are respectively rotatably fitted.



From Figure 3 of Takahashi

Takahashi does not disclose that the mounting part and the lever are formed monolithically.

Kontani teaches a mounting part (portion of lever with holes 2A and 2B in Figure 2) and a lever (2) formed monolithically.

It would have been obvious to one of ordinary skill in the art of steering column levers to modify the device of Takahashi to form the mounting part monolithically with the mounting part as shown in Kontani, in order to gain the commonly understood benefit of a reduction in the number of components.

Re clm 2, Takahashi discloses a pair of openings (7a) respectively formed in peripheries of associated shaft portions. Character 7a is a recess designed to house character 8b see C7-8.

Re clm 3, Takahashi discloses an inserting opening (in between 8e and 8d, see Figure 3) to which the mounting part (7) is inserted is formed in the lever support portion (8), and the pair of shaft portions project toward the inserting opening (8b).

Re clm 4, Takahashi discloses that the lever support portion (8) is configured such that when the mounting part (7) is inserted into the lever support portion (8), the pair of shaft portions (8b) abut the mounting part (7) and wherein the shaft portions (8b) are able to be elastically deformed.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi '676 in view of Kontani '475 and further in view of Brock, EP 0647801.

Takahashi in view of Kontani discloses all of the claim limitations as applied to claim 1 above.

Takahashi in view of Kontani does not disclose that the cover part includes reinforcing ribs disposed on one or more inner sides portions of the cover part.

Brock teaches a lever cover part (7) that includes reinforcing/strengthening ribs (36a-36f) disposed on one or more inner sides portions of the cover part (7).

It would have been obvious to one of ordinary skill in the art to use the reinforcing ribs in the device of Takahashi in view of Kontani to strengthen the cover part as taught by Brock. Using the known technique of reinforcing ribs to provide added strength to Takahashi in view of Kontani would have been obvious to one of ordinary skill in the art.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Pilkington whose telephone number is (571) 272-5052. The examiner can normally be reached on Monday-Friday 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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7/30/07

  
RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER